

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
240-777-6600

Case No. S-2537

**PETITION OF BARBARA W. GAFFIGAN
AND BEACHHEAD LIMITED PARTNERSHIP**

OPINION OF THE BOARD
(Public Hearing Date: September 23, 2002)
(Effective date of Opinion: June 17, 2003)

Case No. S-2537 is an application for a special exception pursuant to Section 59-G-2.00 (Accessory Apartment) of the Zoning Ordinance to permit an existing accessory apartment.

Pursuant to the authority contained in Section 59-A-4.125 of the Montgomery County Code, the Board referred the case to the Hearing Examiner for Montgomery County to conduct a public hearing on the application. The Hearing Examiner held a public hearing on September 23, 2002, but the record was left open pending receipt of the Technical Staff Report. Following receipt of that report, the record was closed on March 14, 2003, and on April 7, 2003 the Hearing Examiner issued a written Report and Recommendation for approval of the special exception.

The subject property is Part of Parcel N-192 on Tax Map JR43, also known as Part of Parcel A in the "Parcel A, The Beachhead" subdivision, located at 14610 Old Lyme Drive, Silver Spring, Maryland 20905, in the R-200 Zone.

Decision of the Board: Special exception **granted** subject
to conditions enumerated below

At its Worksession on April 30, 2003, the Board of Appeals voted to adopt the Hearing Examiner's Report and Recommendation and approve the special exception subject to the following conditions:

1. The Petitioners shall be bound by all of the Petitioners' testimony and exhibits of record, including, but not limited to, Exhibits 4, 22, and 24, and are bound by the testimony of the Petitioners' witnesses and attorney's representations, to the extent that such evidence and representations are

identified in the Hearing Examiner's Report and Recommendation and in the Board's Opinion granting the special exception.

2. The accessory apartment must be maintained in compliance with the Montgomery County Housing Code including, but not limited to, the requirements that:
 - a. The loose electrical connections in the laundry room must be wired according to National Electric Code Standards.
 - b. A smoke detector must be installed in the hallway.
 - c. The floor in the hallway bathroom shower stall must be repaired.
 - d. The double cylinder deadbolt lock (key operated on both sides) on the front entrance door must be replaced with an approved single cylinder (key operated from the outside, thumb turn on the inside) deadbolt lock.
 - e. The loose electrical connections located adjacent to the electric panel must be wired according to National Electric Code Standards.
3. The Petitioner, Barbara W. Gaffigan, must reside in one of the dwelling units.

On a motion by Donna L. Barron, seconded by Louise L. Mayer, with Angelo M. Caputo and Allison I. Fultz in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
Of the Board of Appeals for
Montgomery County, Maryland
this 17th day of May 2003

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date of the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.